

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

YASER EDDMEIRI,

Plaintiff,

v.

METROPOLITAN LIFE INSURANCE
COMPANY,

Defendant.

Case No. _____

(District Court of
Lancaster County, Nebraska,
Case No. CI 13-1848)

NOTICE OF REMOVAL

To: Yaser Eddmeiri, his attorney, and the Clerk of the United States District Court for the District of Nebraska.

Defendant, Metropolitan Life Insurance Company ("MetLife"), gives notice of the removal of the above-captioned action from the District Court of Lancaster County, Nebraska, to the United States District Court for the District of Nebraska. In support of this notice, MetLife states and alleges as follows:

1. Plaintiff filed the above-captioned action on May 21, 2013, in the District Court of Lancaster County, Nebraska, Case No. CI 13-1848. MetLife first received a copy of the Complaint by certified mail on June 6, 2013. Accordingly, this Notice of Removal is filed pursuant to 28 U.S.C. § 1446 within 30 days of MetLife's first receipt of the Complaint.

2. At all times relevant, Plaintiff Yaser Eddmeiri ("Eddmeiri") was employed by Metropolitan Life Insurance Company, and as an employee was eligible to, and did, participate in a group disability insurance plan offered by his employer (the "Plan"). Eddmeiri's entitlement to benefits under the terms of the Plan, if any, arises from

Eddmeiri's employment by MetLife.

3. The Plan is an employee welfare benefit plan, established and maintained by Eddmeiri's employer.

4. This Court has original jurisdiction over the issues presented in the Complaint pursuant to 28 U.S.C. § 1331, because Plaintiff's claim is governed by the Employee Retirement Income Security Act ("ERISA"), 29 U.S.C. §§ 1001-1461. This action is brought to recover benefits allegedly due under the terms of a group employee welfare benefit plan established and maintained by Eddmeiri's employer. Section 502(f) of ERISA, 29 U.S.C. § 1132(f), provides that the District Courts of the United States shall have jurisdiction, without respect to the amount in controversy or the citizenship of the parties, over actions brought to recover benefits allegedly due under an employee welfare benefit plan.

5. In the alternative, this Court has original jurisdiction over the issues presented in the Complaint pursuant to 28 U.S.C. § 1441(a) and (b) and 28 U.S.C. § 1332. The parties are citizens of different states, and are not citizens of the same state. The Plaintiff is a citizen of the State of Nebraska. The Defendant is a corporation organized and existing pursuant to laws of the State of New York, with its principal place of business in New York, New York. The Complaint seeks judgment for benefits allegedly due under a disability benefit plan, "in the form of lost benefits, lost income, and mental anguish and suffering." Accordingly, without admitting or acknowledging the scope or extent of Plaintiff's claim, the allegations of the Complaint serve to place at issue an amount in controversy in this action, exclusive of interest and costs, exceeding the sum of \$75,000.

6. True and correct copies of all process, pleadings, and orders served upon MetLife in the state action are attached and incorporated by this reference as Exhibit 1.

7. A true and correct copy of the Notice of Removal that has been filed with the Clerk of the District Court of Lancaster County, Nebraska, is attached and incorporated by reference as Exhibit 2.

WHEREFORE, MetLife respectfully provides notice of the removal of this action from the District Court of Lancaster County, Nebraska, to the United States District Court for the District of Nebraska, and prays for such further relief as this Court finds appropriate.

REQUEST FOR PLACE OF TRIAL

MetLife respectfully requests that the trial of this action be held in Omaha, Nebraska.

Dated this 3rd day of July, 2013.

METROPOLITAN LIFE INSURANCE
COMPANY, Defendant.

By: s/Steven D. Davidson
Steven D. Davidson (#18684)
of: BAIRD HOLM LLP
1500 Woodmen Tower
Omaha, Nebraska 68102
(402) 344-0500
Its Attorneys

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was sent by United States mail, first-class postage prepaid, on July 3, 2013, to the following:

Richard L. Boucher
Boucher Law Firm
5555 South 27th St., Suite A
Lincoln, NE 68512

s/Steven D. Davidson

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